IN RE: PETITION FOR VARIANCE

E/S Belair Road, 80' S

of Kahlston Road

11th Election District

5th Councilmanic District

(9651 Belair Road)

Madison Square Federal Savings Bank Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 99-454-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owner of the subject property, The Madison Square Federal Savings Bank and the contract purchaser/lessee, Madison, L.L.C. The variance request is for property located at 9651 Belair Road located in the Perry Hall area of Baltimore County. Specifically, the Petitioner is requesting variances from Section 229.6A.4 to allow a three-story office building, 49 ft. in height, in lieu of the permitted two-story building, not exceeding 35 ft., and from Section 229.6.D to permit a 2 ft. setback from residentially zoned property for parking in lieu of the required 20 ft.

Appearing at the hearing on behalf of the Petitioner were: G. Scott Barhight and Newton A. Williams, attorneys at law; James Wolf, Ed Haile and John Seefried. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 8.2485 acres, more or less, and is split zoned BL, BLR and D.R.3.5. The area which is the subject of this variance request consists of 1.37 acres, which is proposed to be developed with a three-story office building and accessory parking lot. The overall site is currently the home of the Madison Square Federal Savings Bank. The subject bank is situated on the front of the property, adjacent to Belair Road. The Petitioner proposes to construct the subject office building and parking lot immediately to the rear of the bank. Further to the rear of the site, upon the

Construction For Fundamental Construction For

property zoned D.R.3.5, is situated the storm water management facility for the existing bank and also the proposed office building.

Due to the uniqueness of the site, which was described by Mr. Ed Haile, Professional Engineer with Daft, McCune & Walker, the Petitioner is constrained to locate the office building as shown on Petitioner's Exhibit No. 1. Furthermore, constructing the office building at a three-story level, in lieu of two, allows for a larger area for parking and a better design of the site. The Petitioner's representatives indicated that they have worked closely with the Perry Hall Improvement Association and also the Planning Office in the design and layout of the subject building. In response to the comment contained within the file from the Planning Office, the developer indicated that they would be willing to submit their elevation drawings to the Planning Office for their review and comment, but not for final approval.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict

Daile 7/6/99

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the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this day of July, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 229.6.A.4 to allow a three-story office building, 49 ft. in height, in lieu of the permitted two-story building, not exceeding 35 ft., and from Section 229.6.D to permit a 2 ft. setback from residentially zoned property for parking in lieu of the required 20 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall submit to the Office of Planning the elevation drawings for the building to be constructed on the subject property. The submission of the elevation drawings to the Planning Office for both the building and the signage associated with the building shall be for review and comment purposes only and not for final approval.

TIMOTHY M./KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

ТМК:гај



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

July⁶, 1999

G. Scott Barhight, Esquire Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, Maryland 21204

> Re: Petition for Variance Case No. 99-454-A

> > Property: 9651 Belair Road

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Churthy lo how Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

C: Mr. David F. Wallace



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9651 Belair Rd., Balt.MD 21236

which is presently zoned BLR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 229.6A.4 to permit a 3-story

building, 49 feet in height, in lieu of the 2-story building not exceeding 35 feet, and From Section 229, 6. 10 permit a 2 that set lack from residentially world property for paking in lieu of the 20 foot requirement.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

				ł <u>.</u>
Madison LLC				ı
Name - Type or Print	10			
Il horres Atri	<u> </u>	oris H.	WOLF N	Jemler
Signature 1301 Yo	ork Road,	Suite	302 ′	
Heaver Plaza	4	10-321	-7650	
Address			Telephone	No.
Towson	MD		21204	
City	S	tate	Zīp C	ode
Aftorney For Pe	titioner:			
G Septt Bar	hight			
Name Type of Print	• 			
Signature		•		
Whiteford, ?		restor	ı LLP	
Company Suite	400			
210 W. Penns	sylvania A	ve., 4		
Actiess			Telephone	No.
Tow son	MD		21204	
Cipy	S	tate	Zip C	ode

Contract Purchaser/Lessee:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

'Legal Owner(s):

Towson

Madison Square Fe Name-Type or Print Signature DAVID F. WA		. , ,
Signature DAVID. F. WA	ICACE	Oss
Name - Type or Print		
Signature		
5401 Belair Road	410-4	88-4800
Address		Telephone No.
Baltimore `	MD	21236
City	State	:Zip Code
Representative to be Contacted:		
G. Scott Barhight		
Name Whiteford Ta	vlor & P	reston LLP

OFFICE	USE	ONLY
		<u> </u>

State

ESTIMATED LENGTH OF HEARING

e 5/14/94

PSU 9|15|98

454

Description

To Accompany Petition for Zoning Variance

1.37 Acre Parcel

Southeast of Belair Road

Southwest of Kahlston Road

Eleventh Election District, Baltimore County, Maryland

DMW

Daft MCune Walker, Inc.

200 East Pennsylvanıa Avenue Towson, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances, as measured from the point formed by the intersection of the centerline of Kahlston Road and the centerline of Belair Road (1) Southwesterly along the centerline of Belair Road, 80 feet, more or less, thence at a right angle to said centerline of Belair Road (2) Southeasterly 408 feet, more or less, thence leaving said point of beginning and running for the following course and distance: (1) South 49 degrees 04 minutes 52 seconds East 300.00 feet, thence binding on the line between Zone BLR and Zone DR-3.5 as shown on the 1996 Comprehensive Zoning Map of Baltimore County, (2) South 41 degrees 40 minutes 59 seconds West 199.08 feet, thence (3) North 48 degrees 58 minutes 35 seconds West 300.00 feet, thence binding on the line between Zone BLR and Zone BL as shown on the above referenced Zoning Map (4) North 41 degrees 41 minutes 06 seconds East 198.53 feet to the point of beginning; containing 1.37 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

May 11, 1999

Project No. 94047.B (L94047B)

Page 1 of 1

99.454-A

Page 1 of 1

<u>DISTRIBUTION</u> WHITE - CASHIER	BALTIMORE COUNTY, MARYI 'ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 5 14 99 ACCOUNT PRECEIVED WT T P FROM: WT T P FROM: WM M VARIANCE FOR: WM M VARIANCE
PINK - AGENCY	IORE COUNTY, MARYI 'ND DF BUDGET & FINANCE LANEOUS RECEIPT D 14 99 ACCOUNT AMOUNT S AMOUNT S
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CASHIER'S VALIDATION	PAID RETEIPT AG 1902 CASHER LSMLLKS INWER 2 bert 5 528 ZONING VERIFICATION RECEIPT H 093413 R MD. 067389 ROCK TOT 250.00 250.00 CK Baltimore County, Maryland On A

CERTIFICATE OF PUBLICATION

	NAMES OF POWERS (FINISH)	TOWSON, MD., 6-10, 1911
1	The Zonling Contents science of Ballianners County, by authority of the Zonling Act and Preparations of Ballianners County will hold a public hearing in <u>Towson</u> , <u>Maryland</u> on the property identified	THIS IS TO CERTIFY, that the annexed advertisement was
	pools: Nearing: III <u>Torrison; Martiness</u> Case: #99-454-A 9651 Belair Road	published in THE JEFFERSONIAN, a weekly newspaper published
٠	ES Belair Road, 80' SW of Kahlston Road 11th Election Pistrict - 5th Councilmanic District 1 and Owner(s): Mainson Soware Federal Savings Bank	in Towson, Baltimore County, Md., once in each of successive
	Contract Purchaser: Madison LLL Variance: to permit a 3-story building, 49 feet in height, in lieu of Variance: to permit a 2-story building, 49 feet and to permit a 2-foot	weeks, the first publication appearing on 6-10, 19
	setback from residentially zoned properly in panal grant 20-foot requirement.	
	County Coarts Bidg., 401 Bosley Avenue: LAWRENCE E. SCHMEDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special ac-	
•	NOTES: (1) Hearings are reasonable recommodations Please Contact ties Zoning Commissioner's Office at (410) 887-4386. (2) For information concerning the File and/or Hearing, Contact	THE JEFFERSONIAN,
	(2) For information contact and the Zoning Review Office at (410) 887-3391. 6/175_june 10 C318103	Wilkingon

LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 454
Petitioner: <u>Madison Square Federal Savinss</u> B
Address or Location: 9651 Belair Road Baitimare MD
212
PLEASE FORWARD ADVERTISING BILL TO:
Name: Julie DiGrisoli White Early Taylor & Destan
Address: 210 W. Pennsylvania AUC
Address: 210 W. Pennsylvania AUE Towson, MD 21204 -4515
Telephone Number: 410-832-2084

Revised 2/20/98 - SCJ

99.454-A

Request for Zoning Value Special Exception, or Special Heart
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-45A-A

A PUBLIC HEARING WILL BEHELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *
DATE AND TIME: #
REQUEST: TO PERMIT A 3-STORY BUILDING 49 FT. HIGH IN LIEU OF 2 STORIES
NOT EXCEEDING 35 FT. AND TO PERMIT A 2 FT. SETBACK
FROM RESIDENTIALLY ZONED PROPERTY (FOR PARKING) IN
LIEU OF ZO ET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc *UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

TO: PATUXENT PUBLISHING COMPANY June 10, 1999 Issue – Jeffersonian

Please forward billing to:

Julie DiGrigoli
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

410-832-2084

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-454-A

9651 Belair Road

E/S Belair Road, 80' SW of Kahlston Road 11th Election District – 5th Councilmanic District

Legal Owner: Madison Square Federal Savings Bank

Contract Purchaser: Madison LLC

<u>Variance</u> to permit a 3-story building, 49 feet in height, in lieu of the 2-story building not exceeding 35 feet; and to permit a 2-foot setback from residentially zoned property for parking in lieu of the 20-foot requirement.

HEARING: Monday, June 28, 1999 at 11:00 a.m. in Room 407, County Courts

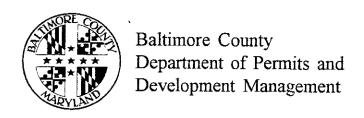
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 28, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-454-A

9651 Belair Road

E/S Belair Road, 80' SW of Kahlston Road 11th Election District – 5th Councilmanic District

Legal Owner: Madison Square Federal Savings Bank

Contract Purchaser: Madison LLC

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HEARING: Monday, June 28, 1999 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: G. Scott Barhight, Esquire

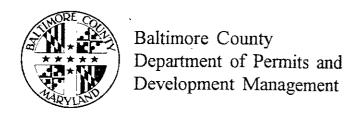
Madison Square Federal Savings Bank

Madison LLC

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 13, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 25, 1999

G. Scott Barhight, Esq. Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue, #400 Towson, MD 21204

RE: Case No.: 99-454-A

Petitioner: Madison Square Federal

Savings Bank

Location: 9651 Belair Road

Dear Mr. Barhight:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 14, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

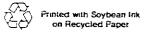
Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 4, 1999

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 9651 Belair Road

INFORMATION:

Item Number:

454

Petitioner:

Madison LLC

Zoning:

BLR

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends the applicant's request be granted provided that the petitioner submit elevation drawings along with an indication of the signage and building materials for review and approval by the Office of Planning prior to the issuance of building permits.

Section Chief: Jeffy Morkong
AFK/JL



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 5.21.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 454

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Chief

1. J. Helle

Engineering Access Permits Division

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
	
Scott Bonky La	WTTP
Muston a. Williams ? Counsely James c. 40ff Ed Haile	502 Mach. ave, 21204
1	y Criminal of
James C- 4DK	1301 YORK RP BUITE 302 21093
Ed Haile	200 E Pluna auc
JOHN SEEFRIED	12
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